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19 Attorneys for Defendant Luxottica Retail North America, Inc.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22

23 BRIAN KING, MATTHEW SMELSER and
DAWN CONE, individuals, on behalf of
24 themselves and all other similarly situated,
25 Plaintiffs,

26 v.

27 LENSRAFTERS, INC., LUXOTTICA
GROUP S.P.A. and Does 1 through 100,
28 Defendants.

Case No. 3:09-cv-03081-SI

**STIPULATION & [PROPOSED]
ORDER RE CONTINUING
DEADLINE TO COMPLETE EARLY
NEUTRAL EVALUATION**

1 WHEREAS Plaintiffs and defendant Luxottica Retail North America, Inc. (improperly
2 sued as LensCrafters, Inc.) ("Defendant") have met and conferred regarding Plaintiffs First
3 Amended Complaint;

4 WHEREAS defendant Luxottica Group SpA has not been served in this action;

5 WHEREAS Plaintiffs intend to file a Second Amended Complaint, which (among other
6 changes) drops Luxottica Group SpA as a defendant in this action;

7 WHEREAS Plaintiffs have not yet filed their Second Amended Complaint;

8 WHEREAS the parties are currently ordered to complete an Early Neutral Evaluation
9 session by the end of January;

10 WHEREAS the Early Neutral Evaluator initially contacted the parties about the Early
11 Neutral Evaluation via correspondence dated December 23, 2009 and has scheduled an initial
12 teleconference with the parties on January 12, 2010;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
14 parties, through their respective counsel of record, that the parties deadline to complete an Early
15 Neutral Evaluation sessions shall be continued to June 30, 2010.

16 **IT IS SO STIPULATED.**

17 Pursuant to General Order No. 45, Orrick, Herrington & Sutcliffe LLP attests that
18 concurrence in the filing of the document has been obtained from the other signatories which
19 shall serve in lieu of their signatures on the document.

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1 Dated: January 8, 2010

H. TIM HOFFMAN
ARTHUR W. LAZEAR
MORGAN M. MACK
Hoffman & Lazear

2
3 /S/ Morgan M. Mack

4 MORGAN M. MACK

Attorneys for Plaintiffs

5 BRIAN KING, MATTHEW SMELSER &
6 DAWN CONE

7 Dated: January 8, 2010

LYNNE C. HERMLE
JULIE A. TOTTEN
SARA E. DIONNE
Orrick, Herrington & Sutcliffe LLP

9 /S/ Sara E. Dionne

10 SARA E. DIONNE

Attorneys for Defendant

11 LUXOTTICA RETAIL NORTH AMERICA,
12 INC.

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14
15 Dated: _____



16
17 **The Honorable Susan Illston**